

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MICHAEL L. FOGLE,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 4:07-CV-1674 CDP
	)	
ALAN BLAKE,	)	
	)	
Respondent.	)	

**ORDER AND MEMORANDUM**

This matter is before the Court upon Michael L. Fogle’s application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

**The Petition**

Petitioner, a civilly-committed resident of the Missouri Sexual Offender Treatment Center (“MSOTC”), seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner is challenging a conviction that arose in Cole County, Missouri. The MSOTC is located in St. Francois County, Missouri, which is in the Eastern District of Missouri. 28 U.S.C. § 105(a)(1). Cole County is located in the Western District of Missouri. 28 U.S.C. § 105(b)(4).

**Discussion**

Pursuant to 28 U.S.C. § 2241(d), the Eastern District of Missouri and the Western District of Missouri have concurrent jurisdiction to entertain the petition. Where two district courts have concurrent jurisdiction over a petition for a writ of habeas corpus, the district in which the petition is originally filed may, in the exercise of its discretion and in furtherance of justice, transfer the petition to the other district court for hearing and determination. 28 U.S.C. § 2241(d). Furthermore, on January 27, 1986, this Court entered an order stating that, absent unusual

circumstances, any habeas corpus petition challenging a conviction or sentence arising out of a proceeding in the Western District of Missouri shall be transferred to that district pursuant to 28 U.S.C. § 2241(d). See In re: Business of the Court, January 27, 1986.

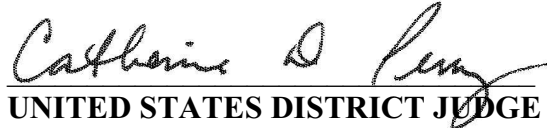
Because petitioner is challenging a conviction that arose in Cole County, Missouri, the Court believes that the interest of justice would be better served if the petition were transferred to the United States District Court for the Western District of Missouri.

Therefore,

**IT IS HEREBY ORDERED** that the Clerk shall not issue process or cause process to be issued upon the said petition because the petition is to be transferred.

An appropriate order shall accompany this order and memorandum.

Dated this 24th day of January, 2008.

  
**UNITED STATES DISTRICT JUDGE**